

## REMARKS

Claims 1-31 are pending in this application. Claims 1-7, 9-19, 26-27, and 29-30 all have been rejected under 35 USC 102(e) in view of the Taylor patent (USP 6,651,074). The Office has also rejected claims 20-25 under 35 USC 103(a) in view of Taylor and claims 8 and 28 under 35 USC 103(a) in view of Taylor and Gurewich.

Applicant notes that, while claim 31 is listed on page 2 of the Office action as one of the rejected claims, no rejection of claim 31 appears in the body of the action. This action is therefore incomplete in its treatment of the claims on the merits, and the final nature of the action is improper. Applicant nevertheless is filing this amendment in conjunction with an RCE. As a result, Applicant is entitled to at least one non-final action from the Office addressing all of the claims on the merits.

### The Prior Art Rejections

With regard to the rejected claims, as amended, Applicant sees no evidence that Taylor either shows or suggests the migration of data from one database system to another, where the target system (or second system) is an active system in which “data in [a] target table” is made “available for execution of database queries against that data.” The portion of Taylor’s system that the Office tries to pass off as a database system is not an active database system at all – it is simply a tape-backup system in which the data stored is not “available for execution of database queries.” Taylor makes no apparent attempt to describe this backup system as an active system that is capable of executing database queries against the data it stores, nor does Applicant see any suggestion that queries even could be executed against this data. Because this limitation is found in all of the rejected claims, all of these are patentable over Taylor.

Like Taylor, Gurewich also fails to show or suggest the migration of data from one system to another in which “data in [a] target table” is made “available for execution of database queries against that data.” As a result, all of the claims are patentable even over the combination of Taylor and Gurewich.

CONCLUSION

All of the claims are allowable over the art of record. Applicant asks the Office to reconsider this application and allow all of the claims. Please charge any fees that might be due, including the fee for a one-month extension of time, but excluding the issue fee, to deposit account 14-0255.

Date: 3/9/05

Respectfully,

A handwritten signature in black ink, appearing to read "John D. Cowart", written over a horizontal line.

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